



Patent

Docket Number: AM-00102.P.1-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)

Efimov et al.)

Examiner: To be determined

Application No.: 09/805,296)

Art Unit: To be determined

Filed: March 13, 2001)

For: OLIGONUCLEOTIDE)

ANALOGUES, METHODS OF)

SYNTHESIS, AND METHODS OF USE)

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TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington D.C. 20231

Sir:

SUBMISSION OF DUPLICATE COPIES DUE TO DELAYS IN MAIL DELIVERY

Applicants hereby submit duplicate copies of Information Disclosure Statement #2, filed on November 26, 2001 (enclosed as Attachment A) and Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, filed on November 8, 2001 (enclosed as Attachment B) that were filed, and then most likely lost, during the critical period of October 13, 2001 through December 1, 2001.

Applicants respectfully petition for a one month extension of time with regard to the most recent Notice received on October 18, 2001. The corresponding fee is enclosed.

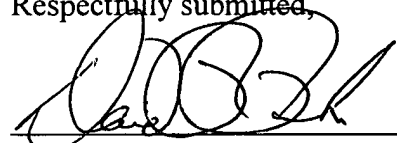
It is respectfully requested that the attached postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Please apply any charges not covered, or any credits, to **Deposit Account 501321** in the name of **David R. Preston & Associates** having **Customer No.: 24232**.

Date: 1/17/02

David R. Preston & Associates, A.P.C.
12625 High Bluff Drive, Suite 205
San Diego, CA 92130
phone: 858.724.0375
facsimile: 858.724.0384

Respectfully submitted,



David R. Preston
Reg. No. 38,710



Patent

Docket Number: AM-00102.P.1-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Efimov et al.)	Examiner: To be determined
)	
Application No.: 09/805,296)	Art Unit: To be determined
)	
Filed: March 13, 2001)	
)	
For: OLIGONUCLEOTIDE)	
ANALOGUES, METHODS OF)	
SYNTHESIS, AND METHODS OF USE)	
)	

Assistant Commissioner for Patents
Washington D.C. 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

This response is being filed within two months of the mailing of the referenced Notice on October 18, 2001. Thus, this response is timely filed and no fee is deemed necessary.

Enclosed are printed and electronic copies of the SEQ ID LISTING prepared, validated using PatentIn software and filed with this application, the appropriate statements under 37 C.F.R. 1.821-1.825 and a copy of the referenced Notice. Apparently the diskette filed with this application was damaged, resulting in improper printouts at the USPTO.

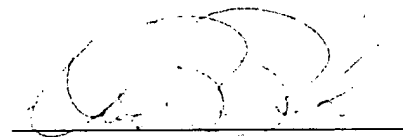
It is respectfully requested that the attached postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Please apply any charges not covered, or any credits, to **Deposit Account 501321** in the name of **David R. Preston & Associates** having **Customer No.: 24232**.

Date: 11.8.2001

David R. Preston & Associates
11404 Sorrento Valley Road
Suite 104
San Diego, CA 92121
phone: 858.450.1388
facsimile: 858.450.2188

Respectfully submitted,



David R. Preston

Reg. No. 38,710



UNITED STATES PATENT AND TRADEMARK OFFICE

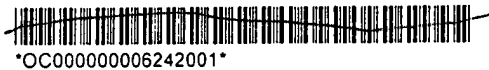
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/805,296	03/13/2001	Vladimir Efimov	AM-00102.P.1-US

CONFIRMATION NO. 2109

24232
DAVID R PRESTON & ASSOCIATES
12625 HIGH BLUFF DRIVE
SUITE 205
SAN DIEGO, CA 92130

FORMALITIES LETTER



OC000000006242001

Date Mailed: 10/18/2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

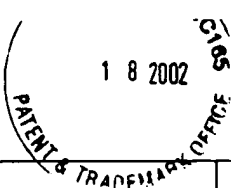
For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number:	09/805,296
		Filing Date:	March 13, 2001
		First Named Inventor:	Efimov
		Group Art Unit:	1651
		Examiner:	To be determined
Total Pages in This Submission:	10	Attorney Docket Number:	AM-00102.P.1-US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal, Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declarations(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Requests	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Inclosures, identified below: CRF disk for SEQ ID LISTING SEQ ID LISTING Statement under 37 CFR 1.821-1.825 Copy of Notice to Comply with SEQ ID Requirements Response to notice
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts / Incomplete Application	Remarks:	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		



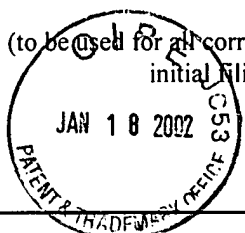
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	David R. Preston
Signature	<i>[Handwritten Signature]</i>
Date	1.15.2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.		Date:	1/15/02
Typed or printed name:	David R. Preston		
Signature	<i>[Handwritten Signature]</i>	Date:	1/15/02

01-22-02

16.51 \$

#5

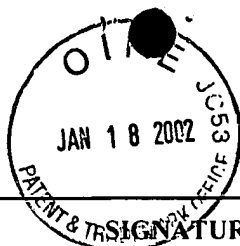
TRANSMITTAL FORM (to be used for all correspondence after initial filing) 		Application Number:	09/805,296
		Filing Date:	March 13, 2001
		First Named Inventor:	Efimov
		Group Art Unit:	1651
		Examiner:	tbd
Total Pages in This Submission:	62	Attorney Docket Number:	AM-00102.P.1-US

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal, Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declarations(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Requests	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Inclosures, identified below: Postcard Sequence List on Disk Sequence List on CD-R
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts / Incomplete Application	Remarks: Express Mail EL89218038705 Applicants hereby submit <u>duplicate</u> copies of IDS and Response to Notice to Comply that were filed, and then most likely lost, during the critical period of October 13, 2001 through December 1, 2001.	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		



SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	David R. Preston
Signature	<i>[Signature]</i>
Date	January 18, 2002

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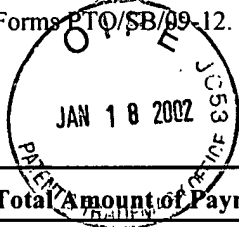
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CERTIFICATE OF MAILING, <i>Express Mail</i>					
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.			Date:	<i>1/18/02</i>	
Typed or printed name:	David R. Preston				
Signature	<i>[Signature]</i>			Date:	<i>1/18/02</i>

Express Mail EL 892480 38705

8

FEE TRANSMITTAL		Complete if Known	
Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.		Application Number:	09/805,296
		Filing Date:	March 13, 2001
		First Named Inventor:	Efimov
		Group / Art Unit:	1651
Total Amount of Payment	\$ 55.00	Docket Number:	AM-00102.P.1-US



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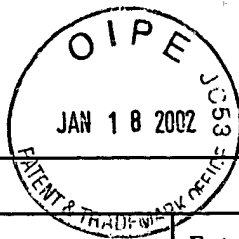
METHOD OF PAYMENT
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <input type="checkbox"/> Deposit Account Name: <input type="checkbox"/> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.
2. <input checked="" type="checkbox"/> Payment Enclosed <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other

FEE CALCULATION						
1. BASIC FILING FEE						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101	790	201	395	Utility Filing Fee	\$
	106	330	206	165	Design Filing Fee	\$
	107	540	207	270	Plant Filing Fee	\$
	108	790	208	395	Reissue Filing Fee	\$
	114	150	214	75	Provisional Filing Fee	\$
SUBTOTAL (1)						\$0.00

01/28/2002 DTESSEM1 00000008 09805296

01 FC:215

55.00 OP



2. EXTRA CLAIM FEES								
				Extra Claims		Fee From Below		Fee Paid
Total Claims	[]	-20 **	Equals	[]	Times	[]	Equals	\$
Independent Claims	[]	-3 **	Equals	[]	Times	[]	Equals	\$
Subtotal (2)								\$0.00
** or number previously paid, if greater, For Reissues, see below								
	Large Entity		Small Entity		Fee Description			
	Fee Code	Fee (\$)	Fee Code	Fee (\$)				
	103	22	203	11	Claims in excess of 20			
	102	82	202	41	Independent claims in excess of 3			
	104	270	204	135	Multiple dependent claim, if not paid			
	109	82	209	41	** Reissue independent claims over original patent			
	110	22	210	11	** Reissue claims in excess of 20 and over original patent			

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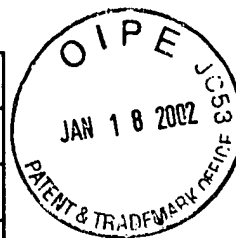
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3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	\$
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	\$
139	130	139	130	Non-English specification	\$
147	2,520	147	2,520	For filing a request for reexamination	\$
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	\$
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	\$
115	110	215	55	Extension for reply within first month	\$ 55.00
116	400	216	200	Extension for reply within second month	\$
117	950	217	475	Extension for reply within third month	\$
118	1,510	218	755	Extension for reply within fourth month	\$
128	2,060	228	1,030	Extension for reply within fifth month	\$
119	310	219	155	Notice of Appeal	\$
120	310	220	155	Filing a brief in support of an appeal	\$
121	270	221	135	Request for oral hearing	\$
138	1,510	138	1,510	Petition to institute a public use proceeding	\$
140	110	240	55	Petition or revive - unavoidable	\$
141	1,320	241	660	Petition or revive - unintentional	\$
142	1,320	242	660	Utility issue fee (or reissue)	\$
143	450	243	225	Design issue fee	\$
144	670	244	335	Plant issue fee	\$
122	130	122	130	Petitions to the Commissioner	\$
123	50	123	50	Petitions related to provisional applications	\$
126	240	126	240	Submission of Information Disclosure Statement	\$
581	40	581	40	Recording each patent assignment per property	\$
146	790	246	395	Filing a submission after final rejection (37 C.F.R. 1.129(a))	\$
149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify)					\$
* Reduced by Basic Filing Fee Paid				Subtotal (3)	\$ 55.00

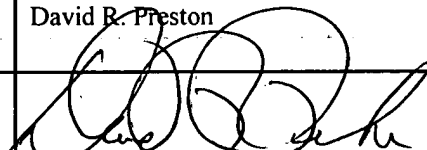
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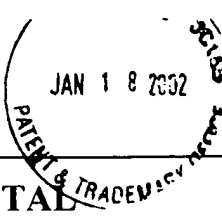
TECH CENTER 1600/2900



4. SUMMATION OF FEES	
SUBTOTAL (1)	\$ 0.00
SUBTOTAL (2)	\$ 0.00
SUBTOTAL (3)	\$ 55.00
TOTAL FEES	\$ 55.00

SUBMITTED BY			Complete (If Applicable)	
Typed or Printed Name	David R. Preston		Registration Number:	38,710
Signature		Date: 1/18/02	Deposit Account User ID Number	501321

EL89248038705



FEE TRANSMITTAL Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.		Complete if Known	
		Application Number:	09/805,296
		Filing Date:	March 13, 2001
		First Named Inventor:	Efimov
		Group / Art Unit:	To be determined
Total Amount of Payment	\$ 0.00	Docket Number:	AM-00102.P.1-US

METHOD OF PAYMENT	
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <input type="checkbox"/> Deposit Account Name: <input type="checkbox"/> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.	
2. <input type="checkbox"/> Payment Enclosed <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other	

FEE CALCULATION						
1. BASIC FILING FEE						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101	790	201	395	Utility Filing Fee	\$
	106	330	206	165	Design Filing Fee	\$
	107	540	207	270	Plant Filing Fee	\$
	108	790	208	395	Reissue Filing Fee	\$
	114	150	214	75	Provisional Filing Fee	\$
SUBTOTAL (1)						\$ 0.00

2. EXTRA CLAIM FEES

				Extra Claims		Fee From Below		Fee Paid
Total Claims	[]	-20 **	Equals	[]	Times	[]	Equals	\$ 0.00
Independent Claims	[]	-3 **	Equals	[]	Times	[]	Equals	\$ 0.00
Subtotal (2)								\$ 0.00

** or number previously paid; if greater, For Reissues, see below

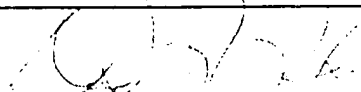
	Large Entity		Small Entity		Fee Description
	Fee Code	Fee (\$)	Fee Code	Fee (\$)	
	103	22	203	11	Claims in excess of 20
	102	82	202	41	Independent claims in excess of 3
	104	270	204	135	Multiple dependent claim, if not paid
	109	82	209	41	** Reissue independent claims over original patent
	110	22	210	11	** Reissue claims in excess of 20 and over original patent

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	\$
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	\$
139	130	139	130	Non-English specification	\$
147	2,520	147	2,520	For filing a request for reexamination	\$
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	\$
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117	950	217	475	Extension for reply within third month	\$
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140	110	240	55	Petition or revive - unavoidable	\$
141	1,320	241	660	Petition or revive - unintentional	\$
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149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify)					\$
* Reduced by Basic Filing Fee Paid				Subtotal (3)	\$ 0.00

4. SUMMATION OF FEES

SUBTOTAL (1)	\$ 0.00
SUBTOTAL (2)	\$ 0.00
SUBTOTAL (3)	\$ 0.00
TOTAL FEES	\$ 0.00

SUBMITTED BY			Complete (If Applicable)	
Typed or Printed Name	David R. Preston		Registration Number:	38,710
Signature		Date:	Deposit Account User ID Number	501321